

1 RUSS, AUGUST & KABAT  
2 Marc A. Fenster, State Bar No. 181067  
Email: mfenster@raklaw.com  
3 Alexander C.D. Giza, State Bar No. 212327  
Email: agiza@raklaw.com  
4 Andrew D. Weiss, State Bar No. 232974  
Email: aweiss@raklaw.com  
12424 Wilshire Boulevard, 12<sup>th</sup> Floor  
5 Los Angeles, California 90025  
Telephone: (310) 826-7474  
6 Facsimile: (310) 826-6991

7 Attorneys for Plaintiff  
NEUROGRAFIX

8 K&L GATES LLP  
9 David T. McDonald  
Email: david.mcdonald@klgates.com  
10 925 Fourth Avenue  
Suite 2900  
11 Seattle, WA 98104-1158  
Telephone: (206) 623-7580  
12 Facsimile: (206) 623-7022  
13 Attorneys for Plaintiff  
WASHINGTON RESEARCH FOUNDATION

14 **UNITED STATES DISTRICT COURT**  
15 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

16  
17 NEUROGRAFIX, a California  
corporation; WASHINGTON  
18 RESEARCH FOUNDATION, a not-for-  
profit Washington corporation,

19 Plaintiffs,  
20 vs.

21 SIEMENS MEDICAL SOLUTIONS  
USA, INC., a Delaware corporation; and  
22 SIEMENS AKTIENGESELLSCHAFT, a  
German Corporation,

23 Defendants.  
24

25 Case No. 10-CV-1990 MRP (RZx)  
[Assigned to The Honorable Mariana  
26 R. Pfaelzer]

27 **PLAINTIFFS' NOTICE OF  
MOTION AND MOTION FOR  
RECONSIDERATION**

28 First Amended Complaint Filed:  
July 30, 2010

1           **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2           PLEASE TAKE NOTICE THAT pursuant to Local Rule 7-18, Plaintiffs  
3 hereby move for reconsideration of the Court's May 5, 2011 Claim Construction  
4 Order (D.I. 114). Plaintiffs request entry of an order finding that Claims 36, 39,  
5 46, and 49 of U.S. Patent No. 5,560,360 are not subject to 35 U.S.C. § 112 ¶6.

6           This motion is made following the conference of counsel pursuant to Local  
7 Rule 7-3, which took place during the live Telephonic Conference Call with the  
8 Court on May 26, 2011.

9           This motion is made based on Notice of Motion and the Memorandum of  
10 Points and Authorities in Support of Motion for Reconsideration.

12 Dated: August 8, 2011

Respectfully submitted,

**RUSS, AUGUST & KABAT**

15 By: /s/ Andrew D. Weiss  
16 Andrew D. Weiss

17 **Attorneys for Plaintiff**  
**NEUROGRAFIX**

18 **K&L GATES**

20 By: /s/ David T. McDonald (by permission)  
21 David T. McDonald

22 **Attorneys for Plaintiff**  
**WASHINGTON RESEARCH FOUNDATION**

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on August 8, 2011. Any other counsel of record will be served via First Class U.S. Mail on this same date.

RUSS, AUGUST & KABAT